

CLARKE COUNTY BOARD OF SUPERVISORS
May 13, 2003 Regular Meeting 9:00 a.m.
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, May 13, 2003.

Present

Chairman John Staelin, Supervisor Byrd, Supervisor Dunning, Supervisor Hobert, and Supervisor Weiss

Also Present

Keith Dalton, Bob Kline, Bob Childress, Ricky Pope, Ed Breslauer, David Ash, Charles Johnston, Dana Storm, Helen Cottrell, Val Van Meter, Jerry Herrmann and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:01 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Consent: Adopt Proclamation declaring Salvation Army Week

Add to VDOT:

- Parking Issues in Green Hills
- Business Route 7 – Audley Farm Study
- 636 Letter

Add to Miscellaneous: Organizational Issues

Change from Public Meeting to Set Public Meeting – Conservation Easement Authority: Recommendation to Purchase Conservation Easements

Supervisor Hobert moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Continued Meeting: April 8, 2003

Chairman Staelin requested that the word “development” be removed from the first paragraph at the top of Book 17 Page 707

Regular Meeting: April 13, 2003

Continued Meeting: May 1, 2003

Supervisor Hobert moved to accept the meeting minutes for April 8, 2003 as amended and April 13, 2003 and May 1, 2003 as written.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Abstain

Consent Agenda

David L. Ash, County Administrator, presented the following proclamation, which the Salvation Army forwarded for consideration by the Board.

Salvation Army Week Proclamation

WHEREAS, a love for God and a desire to help others is the motivation behind the men and women of The Salvation Army; and

WHEREAS, The Salvation Army in Clarke County, Virginia provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis; and

WHEREAS, The Salvation Army serves as a symbol of compassion, but more so an active participant in the provision of services to thousands of Clarke County, Virginia men, women and children; and

WHEREAS, the Salvation Army has been providing these programs to residents for over 84 years; and

WHEREAS, the Salvation Army provides its services to people in need without regard to race, color, creed, sex or age; now

THEREFORE, the Clarke County Board of Supervisors does hereby proclaim May 12 through 18, 2003 as

SALVATION ARMY WEEK

I urge all our citizens to join me in honoring the dedicated men and women who work or volunteer for this fine organization and touch the lives of so many.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 13th day of May, 2003

John Staelin, Chairman
Clarke County Board of Supervisors

Supervisor Dunning moved to adopt the Proclamation.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation
- Bob Childress, Acting Resident Engineer

Bob Childress appeared before the Board to provide the monthly report.

Resident Engineer Assignment:

Effective May 12, 2003, Jeff Lineberry assumed the responsibilities of Resident Engineer for Clarke County. Mr. Lineberry had been the Assistant Resident Engineer in the Harrisonburg area.

Field Inspection of Jack Enders Boulevard:

The field inspection of the Route 700 area was conducted on April 17 and no major issues were noted. VDOT is waiting for feedback from Keith Dalton, Town Manager - Town of Berryville. There will be a public hearing in the first or second week of August, which will most likely be held at the Town Hall. VDOT does not anticipate a lot of opposition. There will be some easement purchases, however, they currently own most of the necessary right of ways.

Route 636:

There was a public meeting held on May 5, 2003, with the affected property owners with VDOT, David Ash, and Supervisor Byrd. Dr. William Houck was also in attendance as a representative of the School Board. From the citizen's comments during that meeting, it was determined that this issue required more discussion. Supervisor Byrd and Bob Childress had assured the property owners that the changes were not imminent as funds were not available to undertake all of the projects discussed. However, another department of VDOT sent out a standard letter informing the residents of a proposed survey. Mr. Childress has prepared a draft letter to be forwarded to those residents informing them that the survey was being put on hold. There are still many decisions to be made such as on which end should the work begin, should they only make spot improvements, put in a traffic light, more police presence to deter speeding, etc.

The Board engaged in considerable discussion regarding the proposed changes to Route 636 determining following action items:

1. Supervisor Hobert asked VDOT to prepare a concise statement including the pros and cons of each plan, why the changes were necessary and what are the alternatives.
2. Chairman Staelin requested that the issue be placed on the next Board of Supervisors Work Session agenda for June 9, 2003.
3. Supervisor Byrd asked each member of the Board to make a concerted effort prior to the June meeting to go out to the school during the morning rush to observe the traffic flow.

Bob Childress stated that he would attend the June 9 meeting.

Route 601:

There was a meeting between VDOT and Jim Looney on April 29, 2003. VDOT did convey to him the Clarke County Board of Supervisors request for the use of mountain standards and to be kept informed. The changes will be made under a land use permit, which VDOT will issue. The project timeline is to have everything completed by winter.

Route 7 Business – Berryville Truck Routes & Proposed Traffic Signal Analysis by Dexter R. Williams, P.E. for Audley Farm

VDOT has reviewed the above report but does not agree with its findings. VDOT maintains that a stop light for that intersection is still necessary. Piece Homer is setting up a meeting with Audley Farm's legal counsel to discuss the matter prior to moving forward. It is VDOT's desire to bring this matter to conclusion as soon as possible.

Chairman Staelin stated this matter needs to be resolved as quickly as possible for it is a dangerous situation with two recent deaths and, within a short timeframe, one other death, at this intersection.

Supervisor Hobert stated that the Board of Supervisors did not support Dexter Williams’ conclusion.

Supervisor Weiss queried Mr. Childress as to the affect of a signal light on eastbound traffic expressing concern that the installation of a light may cause delays in traffic flow. He also asked if there had been any discussion regarding the widening of the interchange. He further requested information on an acceleration lane, to which Mr. Childress stated that VDOT does not approve of acceleration lanes on this type of highway.

Supervisor’s Byrd and Dunning, while agreeing that the intersection is dangerous, wanted to ensure that the Board had considered all options; and each proposed possible alternate location for the signal light.

Bob Childress stated that widening the interchange would not be possible without rebuilding the entire intersection. Changes to the plan at this point would incur large expense. With VDOT standing by their original study, which recommends the installation of the signal light at that location, the Board would need to determine who would fund the alternate studies.

Keith Dalton, Town Manager – Town of Berryville, stated that the signal light was to have been installed last spring; and that the Town agrees that a signal light is necessary. Mr. Dalton stated that any design changes would cause additional delay. He thanked the Board of Supervisors for their support on this issue. He asked Bob Childress who would make the final decision. Mr. Childress stated that the final decision lay with the Department of Transportation.

Mr. Childress said the options in the Dexter Williams’ report are far more costly, not as effective, did not identify funds and would be years in the implementation.

Supervisor Hobert moved that the County Administrator draft a letter to the Department Secretary of Transportation from the Chairman of the Board of Supervisors expressing our continued support for the installation of the traffic light at this intersection according to previous studies by VDOT.

The motion was passed by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Abstained
Supervisor Dunning	-	Abstained
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Abstained

Six-Year Primary Road Plan

There will be a video conference on May 14, 2003 at the Harrisonburg office to review the Six-Year Primary Road Plan.

Route 644

Mr. Ash stated that he had sent a letter to John Riley, County Administrator for Frederick County, expressing the Board’s interest in closing this ford. Bob Childress spoke with the Resident Engineer for Frederick County and they had no problem with the proposed request. He will convey this to John Riley in a letter.

Public Hearing – Route 660 Closure

The Board of Supervisors of Clarke County, in a regular meeting on the 15th day of April 2003, adopted the following:

RESOLUTION

WHEREAS, it appears to this Board that Secondary Route 660, from 0.43 mile North of Route 645 to the Frederick County line including the ford at the Opequon Creek, a distance of 0.17 miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State highways.

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board’s intent to abandon the aforesaid section of Route 660, pursuant to §33,1-151 of the Code of Virginia of 1950, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

There being no additional comment from the Board Chairman Staelin opened the public hearing at 9:57 a.m. There being no persons present to address the Board Chairman Staelin closed the public hearing.

Supervisor Weiss asked Mr. Childress how the road would be closed. Mr. Childress stated that it would be gated and chained and maintenance on this section of road will revert to the surrounding property owners.

David Ash presented the following resolution.

The Board of Supervisors of Clarke County, in a regular meeting on the 13th day of May 2003, adopted the following:

RESOLUTION

WHEREAS, the public notice was posted as prescribed under §33,1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of the road described below from the Secondary System of State Highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board’s intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 660 including the ford at the Opequon Creek, from 0.43 mile North of Route 645 to the Frederick County line including the ford at the Opequon Creek, a distance of 0.17 miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED: this Board abandons the above described section of road and removed it from the Secondary System of State Highways, pursuant to §33,1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

Recorded Vote

Moved By: _____

Yeas: _____

Nays: _____

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

Supervisor Byrd moved to adopt the proposed Resolution.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Bob Childress stated that he would meet with Duval in approximately thirty days regarding the location of the gate.

Green Hill Parking Issue

Mr. Childress stated that he had received a letter from Keith Dalton regarding a safety concern at the Green Hill Cemetery and he would be meeting him following to the Board

meeting. The Town of Berryville is requesting that parking be restricted along the entire cemetery frontage. Mr. Childress stated that this area was located in the County not the Town of Berryville.

Chairman Staelin requested that the item be placed on the agenda for review at the June 17, 2003, Board of Supervisors meeting.

Landfill Truck Issue

Chairman Staelin requested an update on the heavy trucks using secondary roads to transport rock to the Landfill. He has heard that some citations had been issued for vehicles being overweight. Mr. Childress put forth that he had heard the Landfill was to complete the hauling by the end of May and that the trucks were being rerouted to Route 7 to I-81 to Sulfur Springs Road. VDOT has also made temporary road repairs.

Engine Brake Signs

Chairman Staelin queried Mr. Childress regarding the installation of Engine Brake signs on the Clarke County side of Route 7 since they were already located on the Loudoun County side. Mr. Childress put forth that the Engine Brake signs on the Loudoun County side shall be removed by July of 2003. There is no legal or regulatory basis to eliminate use of certain equipment and no proof that it improves conditions.

Litter Signs

Chairman Staelin put forth that the Litter Committee had put out No Littering signs, which they claim have resulted in a less litter. The Litter Committee has requested that more signs be posted. When queried by Chairman Staelin on how the County should proceed to make these signs official, Bob Childress stated that VDOT could permit these signs. The County must provide VDOT with the design and a list of locations. David Ash stated that he would furnish this information to the Litter Committee.

Children At Play

Bob Childress stated that these are not standard VDOT signs and are placed at the expense of the community or property owners and are not generally placed on VDOT right of way.

Public Hearing – Rezoning RZ-02-02

- Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors requests the rezoning from the Agricultural-Open Space-Conservation (AOC) Zoning District to the Highway Commercial (CH) and Historic Access Corridor Overlay District the properties identified as Tax Map Parcels 27A-((A))-7, 27A-((3))-A, B, & C, 27A-((A))-20 (portion), 27-((A))-10 (portion), and 27-((A))-12 (portion), totaling approximately 23 acres, located at the intersection of Routes 277, 340, and 522, Greenway Magisterial District, and as described in the Double Tollgate Area Plan. (RZ-02-02)

Charles Johnston appeared before the Board and provided an overview of the proposed rezoning. Mr. Johnston noted the attendance of Bob Kline, Superintendent at White Post Correction Center.

Supervisor Byrd noted that the Planning Commission had not unanimously approved the amendment. Supervisor Weiss stated that he had originally been opposed to the rezoning; however, after additional research and discussion, he has withdrawn his objection. There was additional discussion on the sanitary services to the area. Chairman Staelin did state that at some point the County might have to put money up front to provide water and sewer. At present, there is a verbal agreement with Frederick County Sanitary Authority to provide sanitary services.

Chairman Staelin opened the public hearing at 10:28 a.m.

Bob Kline, Superintendent at White Post Correction Center, addressed the Board. He stated he viewed their relationship with the County as a partnership. He asked the Board to study the

traffic on Routes 277, 522 and 340 to ensure that the roads keep pace with planned growth. He sited the heavy truck traffic on these sections of road that should to be considered in road development. Mr. Kline commended the Board and the Planning Commission on their logical, development plan, which he feels makes sense and is well done.

Chairman Staelin thanked Mr. Kline for his comments. He noted that Mr. Kline has been extremely helpful and cited the work done by the residents of the correctional facility in picking up litter in the County. He stated that funds would be made available this summer for safety improvements to Route 277 and Route 340. While these improvements should ease the problem, it is not considered the long-term solution.

There being no other persons present to address the Board on this matter the public hearing was closed at 10:30 a.m.

After discussion by the Board of Supervisors on the merits of including the area of the Tax Map Parcel 27A-((A))-20 (portion), it was agreed by the Board that this section should be removed from the rezoning amendment. **Supervisor Dunning moved to approve RZ-02-02, as amended, excluding the area of the Tax Map Parcel 27A-((A))-20 (portion).**

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Public Hearing – Text Amendment TA-03-01
 - Charles Johnston, Planning Administrator

The Clarke County Board of Supervisors will consider the amendment of the: Clarke County Zoning Ordinance, Sections: 3-C-3 Supplementary Regulations for Development in Annexation Area B, and 9-B Definitions, so as to clarify the definition of Critical Environmental Areas and establish a definition for the term ‘Net Developable Acre’ in the Berryville Annexation Area. TA-03-01

Chuck Johnston provided an overview of the above matter. He indicated that Robert Mitchell, County attorney, had recommended the addition of a definition of the term “net developable acre”.

Chairman Staelin stated that County regulations did not allow development within 100 feet of a sinkhole. Supervisor Byrd stated that the County is strong on protecting water and sinkholes get larger. Both Supervisor’s Byrd and Dunning expressed concern regarding possible ground water contamination from developing too close to the sinkholes.

Mr. Johnston stated that, currently, in this area there were no regulations as to development near sinkholes. This amendment would allow for a two-tiered approach to development, which would not allow any development within 25 feet and from 25 to 100 feet, development plans would be reviewed on a case-by-case basis. He further explained that they were still working on the regulations for the 25- to 100-foot area. The regulations will be discussed by the Berryville Area Development Authority [BADA] and presented to the Board of Supervisors in the next few months. At this time, BADA has not set public hearing on the issue.

Keith Dalton stated the Town of Berryville shares the concerns expressed by the Board. He would like the regulations to set up a clear step-by-step process a developer would have to take including the testing required to build in a karst environment. The Town does want a buffer but they want it to fit in with an urban setting. At this time, the Town has not approved the amendment.

At 10:47 a.m., Chairman Staelin opened the public hearing.

Dana Storm, Piedmont Environmental Council, addressed the Board. She informed the Board that on May 21 and 22 there would be a karst conference in Abingdon, where they would be addressing sinkhole issues. She suggested that interested members of the Board attend noting that representatives from the DEQ, EPA and the Terrain Institute would be present.

There being no other persons present to address the Board on this matter the public hearing was closed at 10:48 a.m.

Supervisor's Hobert asked what impact it would have if the building prohibition were extended to a 100 feet. Mr. Johnston stated that it would be more restrictive and it would have to be re-advertised. Also, they have learned there is a gradation, which is used in other jurisdictions. Supervisor Weiss stated that the discernable edge of a sinkhole is large and the proposed amendment would be in addition to that area.

Mr. Johnston put forth that Bob Mitchell, County attorney, had urged them to adopt this amendment. This amendment is a start, which provides a definition. It can be modified at a later date.

Supervisor Dunning opined that he felt it would be safer to start at a greater number and adjust downward, as deemed safe.

Supervisor Hobert moved to amend Clarke County Zoning Ordinance, Sections: 3-C-3 Supplementary Regulations for Development in Annexation Area B, and 9-B Definitions, so as to clarify the definition of Critical Environmental Areas and establish a definition for the term 'Net Developable Acre' in the Berryville Annexation Area [TA-03-01].

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Nay
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Supervisor Hobert moved to request the Berryville Area Development Authority to promptly give consideration to the area 25- to 100-feet from the discernable edge of a sinkhole with the idea that the Clarke County Board of Supervisors will promptly receive a recommendation for a supplementary regulation dealing with improvements or impacts upon critical environmental areas.

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin asked Keith Dalton to relay this to the Town of Berryville with his hopes that they would make a similar request.

Set Public Meeting – Conservation Easement Authority: Recommendation to Purchase Conservation Easements

- Charles Johnston, Planning Administrator

Charles Johnston, Planning Administrator, provide a brief overview of the above matter explaining that it was the Conservation Easement Authority’s desire to purchase easements in the Greenway Court area. Supervisor’s Weiss and Hobert are on this Authority.

Chairman Staelin stated that he has received calls regarding this matter both for and against the purchase. Some constituents are uncomfortable with the amount of money to be spent at a time when funds are tight. Chairman Staelin suggested that an evening public meeting be held. However, the rest of the Supervisors felt that a day meeting would be fine.

Supervisor Dunning moved to set the matter for public meeting on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin asked Chuck Johnston if the contract used would be accepted by the VOF. He also asked Mr. Johnston to clearly state how they would protect the historic buildings. Mr. Johnston stated that he would give a complete report at the next meeting.

Set Public Hearing - Special Use / Site Plan [SUP-03-03]

- Charles Johnston, Planning Administrator

Mr. Johnston appeared before the Board and provided a brief overview of the matter. He stated that he should be receiving a revised site plan within the next few days. The church wishes to build an addition, which will create the need for an access easement to the cemetery.

Mount Olive Baptist Church requests the approval of a Special Use and Site Plan amendment for an addition to the church located at 14401 Lord Fairfax Highway, Tax Map Parcel 28A-A-21 and a portion of 28-A-27, Greenway Magisterial District, zoned Rural Residential and Agricultural-Open Space-Conservation (AOC). SUP-03-03

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Text Amendment [TA-03-03]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the Clarke County Zoning Ordinance so as to delete the following district regulations:

- Section 3-A-8, Older Person Residential (OPR);*
- Section 3-A-15, Light Industrial District (IL); and*
- Section 3-A-16, Heavy Industrial District (IH).* TA-03-03

Charles Johnston provided a summary of the matter. Currently, there is no property in Clarke County zoned heavy industrial and having this designation in the ordinance was unnecessary. Some property in White Post that was zoned for light industrial was recently rezoned. Currently, the Comprehensive Plan restricts light industry to the Town of Berryville. At this time, there are no older person residential requirements in the County. The Planning Commission could review if a need arose in the future.

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Text Amendment [TA-03-04]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the County Subdivision Ordinance sections 7-C-4, Documents to Accompany Record Plats and 8-J, Private Access Easements so as to modify the standards and review process for private access easements. TA-03-04

Mr. Johnston provided a brief overview of the matter.

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing – Text Amendment [TA-03-05]

- Charles Johnston, Planning Administrator

The Clarke County Planning Commission recommends the amendment of the:

1. County Zoning Ordinance, sections 3-D-7, Vacation of Plats in the AOC and FOC Districts, and 9-B, Definitions, so as to address the vacation or merger of lots or parcels of land and to add the definition of the terms “Boundary Line Adjustment” and “Merger” and
2. County Subdivision Ordinance, section 2-B, Definitions, so as to add the definition of the terms “Boundary Line Adjustment” and “Merger” and delete the definition of the terms “Re-subdivide” and “Substandard Divisions”. TA-03-05

Charles Johnston, Planning Administrator, provided a summary of the text amendment. Mr. Johnston stated that Item No. 2 dealing with terms and passing this item was important to Bob Mitchell, Clarke County legal counsel. Supervisor Hobert stated that this was a very complicated matter and urged the Board to exercise caution on moving forward.

Supervisor Dunning moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing - Clarke County Humane Foundation Site Plan [SUP-03-04]

- Charles Johnston, Planning Administrator

Charles Johnston provided a summary of the request by the Humane Foundation to change the site plan by the addition of eight more runs – going from 18 to 26.

Supervisor Hobert asked why the Board of Supervisors was considering setting public hearing prior to the Planning Commission's public hearing, which is the accepted procedure. Supervisor Weiss concurred with Supervisor Hobert.

David Ash put forth that the project was being "fast-tracked" because it is a design/build contract that will move forward based upon contributions and the contributions depend on getting the change to a larger facility approved. Supervisor Byrd, Board of Supervisors Liaison to the Clarke County Humane Foundation, concurred with Mr. Ash, stating that they were adding an additional 892 square feet for eight additional runs. If the change is made at this stage, it will cost far less than building an addition at a latter date. Chairman Staelin said he did not like exceptions but supported this one as it would affect the Foundation's fundraising.

Supervisor Byrd moved to set the matter for public hearing on June 17, 2003, at 10:00 a.m. or as soon thereafter as the matter may be heard

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Nay
Supervisor Weiss	-	Nay

Shenandoah Area Agency on Aging Update

- Helen Cockrell, Director

Helen Cockrell, Director, appeared before the Board with the following support persons in attendance: Keith Dalton, Nick Nicodemus, Lisa Cooke, Bonnie Dodson, Dorothy Clarke, Roberta Lowder and George Grove. Ms. Cockrell expressed her appreciation for Lisa Cooke's, Director Clarke County Parks and Recreation, help stating that Lisa absolutely exemplifies the cooperative spirit of the County. Ms. Cockrell thanked the Board of Supervisors for their contribution of \$75,000 to get the Senior Center project started. She also thanked the Town of Berryville for their \$5,000 contribution. She provided an overview of the Capital Campaign, which has secured a commitment from the Lions Club.

Ms. Cockrell provided census data showing the Clarke County's senior citizen population at approximately 20%. She opined that the projections for the County were low for they do not take into consideration retirees that may move into the area.

Helen Cockrell also briefly detailed the services provided by the Agency, which include Meals-On-Wheels, center activities, homemaker and personal care services geared to extending the seniors independence. Their Agency has provided services for approximately 260 Clarke County seniors in the last year.

Triad, a grant through the Attorney General's Office, will be used to educate seniors on scams, identity theft and elder abuse. On June 19, 2003, at 3:00 p.m., Attorney General Kilgore will be at Clarke County Parks and Recreations to sign the grant.

Chairman Staelin stated they were a great group, who provide a wonderful service to the County. Their Board has been extremely active and they have committed employees, who truly care.

Consideration of Easement Request – Shenandoah Gas

- David L. Ash, County Administrator

David Ash provided an overview of the matter. The request is for the County to allow an easement. Supervisor Dunning stated that he believed this was a good idea for the future and that it should follow the established boundaries and be extended out to the road.

Chairman Staelin asked Mr. Ash to send a letter requesting the gas company extend the gas line to the road and to seek easements from the property owners of Lots No. Five and No. Six.

Following discussion by the Board, **Supervisor Dunning moved to approve the easement as requested conditioned upon the signing of access easements between the boundaries of Lot No. 6 and 7, and requiring the installation of a line between Lot No. 6 and 7 that extends to the road. Further, the Chairman of the Board be authorized to undertake such negotiations as are necessary to accomplish the intention of the Board.**

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Set Date for Review of Exemption Request from Regulation 12 VAC 5-31-1250 [Specifically Section #3]

- David L. Ash, County Administrator

David Ash provided an overview of the request. Regulation 12 requires that ALS providers must be an EMT. This prohibits volunteers that are cardiac technicians or paramedics from providing care if there is not an EMT present. The Clarke County Emergency Medical Services is requesting that the Board provide them with a waiver from this rule. The Board must notify the EMS Board 30 days prior to the review.

Following discussion by the Board, **Supervisor Byrd moved to set the matter for Board review at the next regularly scheduled Board of Supervisors meeting scheduled for June 17, 2003.**

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Discussion Of Committee Action

Board of Supervisors Work Session

The regular Board of Supervisors Work Session was not held for the month of May 2003.

Personnel

Appointment to Authorities, Boards and Commissions:

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Conservation Easement Authority	Patsy McKelvy	4/30/04
<i>Patsy McKelvy is appointed as the Planning Commission Representative to the Conservation Easement Authority. This is a one-year term expiring April 30, 2004.</i>		
Clarke County Historic Preservation Committee	David Y. Boyce	5/31/07
<i>David Boyce is reappointed to the Clarke County Historic Preservation Committee. This will be a four-year term beginning May 31, 2003 and ending May 31, 2007.</i>		

Supervisor Dunning moved to accept in whole all the appointments as presented.

The motion carried as follows:

Chairman Staelin	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Hobert	-	Aye
Supervisor Weiss	-	Aye

Finance

The regular Finance Committee meeting was not held for the month of May 2003.

Project Update

- David L. Ash, County Administrator

Due to time constraints, Chairman Staelin asked the Board if they had any specific issues regarding the Project Update report, which was included in the Board packet. The Board had no questions regarding the update.

Courthouse Renovations:

Mr. Ash put forth that the remaining work on the grounds and sidewalks was finally in progress making the selection of an alternate contractor unnecessary.

School Construction:

Chairman Staelin distributed the School Construction Planning Draft 5/12/03. Mr. Staelin stated that he and Bent Ferrell, School Board Chair, had agreed in concept to the plan detailed. The plan needs to have a schedule developed. There was a section added to include VDOT input for transportation issues. This plan will provide a framework for the Boards to move ahead.

Bills And Claims

- John Staelin, Supervisor

Chairman Staelin reviewed the Bills and Claims for the month and has a couple of questions. Tom Judge is out of town and unavailable to provide the answers. If the answers are unacceptable, Mr. Staelin stated he would bring them up at the next meeting. No other issues were found.

Supervisor Byrd, who was scheduled to review Bills and Claims for May, will perform Chairman Staelin’s next review, which is scheduled for June.

Chairman Staelin moved to accept the Bills and Claims as presented for the month, subject to the answers provided by Tom Judge.

The motion was approved by the following vote:

- | | | |
|--------------------|---|-----|
| Chairman Staelin | - | Aye |
| Supervisor Byrd | - | Aye |
| Supervisor Dunning | - | Aye |
| Supervisor Hobert | - | Aye |
| Supervisor Weiss | - | Aye |

Discharging Firearms in Densely-populated Areas

- A.R. Dunning, Jr., Supervisor

Mr. Ash stated that County Attorney, Robert Mitchell, had provided an analysis of the law. Mr. Mitchell does not believe the creation of homeowner’s associations would solve the problem. Supervisor Hobert stated that any ordinance would complex and additional information would be required. The language in any ordinance adopted would be dependent upon the wants of the majority of the residents in the area to be defined.

Supervisor Dunning stated that he would speak with the group requesting this ordinance to see what area and what specific language they would like in such an ordinance.

Space Study

David Ash put together a list of what he believed to be the issues and distributed to the Board. Supervisor’s Byrd and Dunning requested an in depth review of the handout and requested that this be reviewed at the June 9 Board of Supervisors Work Session if time allowed. Chairman Staelin requested that Space Study be placed on the June 17, 2003, Board of Supervisors Agenda.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

John Sours appeared before the Board to review his monthly report. Mr. Sours provided graphs to demonstrate the level of use of the County’s website. Upon final review by the Commissioner of the Revenue, the local tax rates and fee schedules will be placed on the website

Chairman Staelin requested that Mr. Sours provide the Board with graphs for the Industrial Park detailing the number of lots, dollars, and pay back on investments.

Miscellaneous Items

Blasting Issues:

Chairman Staelin requested an update from Charles Johnston on the proposed County-wide blasting ordinance. Mr. Johnston stated that he had a meeting scheduled with Rick Travers, Chester Engineering, for this evening and he hoped to have a draft to the Board by the next regularly scheduled meeting.

Organization Issues

Introduction of David Weiss – Buckmarsh Voting District

Supervisor Dunning introduced David Weiss as the new Buckmarsh Voting District Supervisor filling the un-expired term of Philip Shenk.

Election of Vice Chair

The resignation of Philip Shenk from the Board of Supervisors left a vacancy in the position of Vice Chair to the Board.

Supervisor Byrd moved for the Board of Supervisors to elect J. Michael Hobert as Vice Chair.

The motion carried by the following recorded vote:

- Chairman Staelin - Aye
- Supervisor Byrd - Aye
- Supervisor Dunning - Absent
- Supervisor Hobert - Aye
- Supervisor Weiss - Aye

Clarke County Historic Preservation Commission Award

Chairman Staelin announced that the Board of Supervisors had received an award from the Clarke County Historic Preservation Commission for the renovations of the Old Courthouse. The Commission had also been complimentary of the Board about the museum.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Forward approved Proclamation for Salvation Army Week	David L. Ash
2.	VDOT to prepare a report stating the pros and cons of each plan that included why the changes were necessary and what are the alternatives for Route 636.	VDOT
3.	Route 644 Closure: convey to John Riley in a letter the comments of the Resident Engineer for Frederick County indicating they had no problem with the proposed request.	VDOT
4.	Business Route 7 - Draft a letter to the Department Secretary of Transportation from the Chairman of the Board of Supervisors expressing continued support for the installation of the traffic light at this intersection according to previous studies by VDOT.	David L. Ash
5.	Place Route 636 discussion on the next Board of Supervisors Work Session agenda for June 9, 2003.	David L. Ash
6.	Each member of the Board visit the school on Route 636 during the morning rush to observe the traffic flow.	All Board Members
7.	Forward approved Resolution of Route 660 Ford Closure to VDOT and John Riley.	David L. Ash
8.	Place Green Hill Parking Issue on June 17, 2003 Board of Supervisors Agenda.	David L. Ash
9.	Place Review of Exemption Request from Regulation 12 VAC 5-31-1250 [Specifically Section #3] on June 17, 2003 Board of Supervisors Agenda	David L. Ash
10.	Send out appointment letters.	David L. Ash
11.	Negotiate easement agreement with gas company and the property owners of Lots Five and Six to take the gas line to the road.	David L. Ash
12.	Speak with the group requesting the shooting ordinance to see what area and what specific language they would like to see in such an ordinance.	Supervisor Dunning

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
13.	Place Space Study on the June 17, 2003 Board of Supervisors Agenda directly following the Public Hearings.	David L. Ash / John Staelin
14.	Develop graphs for the Industrial Park detailing the number of lots, dollars, and pay back on investments.	John Sours
15.	Contact Litter Committee with VDOT requirements for signage.	David L. Ash

Next Meeting:



The next meeting of the Board of Supervisors is set for June 17, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 1:15 p.m.

ATTEST: May 13, 2003

John Staelin, Chairman

David L. Ash, County Administrator